

**LFC Requester:**

Marty Daly

**AGENCY BILL ANALYSIS  
2016 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**    ☐    **Amendment**    ☒  
**Correction**    ☐    **Substitute**    ☐

**Date** February 15, 2016

**Bill No:** HB 42

**Sponsor:** Rep. William Rehm

**Agency Code:** 305

**Short** Delinquency Act Terms &

**Person Writing** Jennifer Salazar, AAG

**Title:** Absconders

**Phone:** 827-6990    **Email** jsalazar@nmag.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

**Synopsis:**

The Senate Public Affairs Committee Amendment ("Amendment") to House Bill 42 makes changes to the language found on page 3, lines 7 through 9 of HB 42. Specifically, the proposed language makes clear that when a child absconds from supervised release, the time between the date of the child's violation to the date of the child's arrest shall not be counted as time served on supervised release.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

Issues still exist concerning the types of warrants discussed by this bill. HB 42 would create a new procedural distinction between children absconding within the state and outside of the state, the former requiring only a "retake" warrant issued by CYFD and the latter requiring a district court warrant in order to return the child. This new distinction between warrants lends ambiguity to the term "warrant" used in paragraph D.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

**TECHNICAL ISSUES**

N/A

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

**AMENDMENTS**

N/A